

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BILLY G. ASEMANI : Civil Action No. RDB-05-1834

Petitioner :

v. :

U.S. BUREAU OF IMMIGRATION :
AND CUSTOMS ENFORCEMENT

Respondent :

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MEMORANDUM OPINION

Pending is a pro se petition for writ of habeas corpus filed by Billy G. Asemani, an alien subject to an administratively final order of removal. Respondent, U.S. Immigration and Customs Enforcement (ICE), has filed a response requesting dismissal of the petition. The petition will be dismissed without prejudice as moot.

I. Background

Petitioner is a native and citizen of Iran who adjusted his status to lawful permanent resident in 1994. On June 1, 2004, an Immigration Judge ordered his removal to Iran based on his conviction in the United States District Court for the Southern District of Mississippi of eleven counts of health care fraud, mail fraud and false statements in violation of 18 U.S.C. §§ 1341, 1347 and 1035. Petitioner did not appeal the decision of the Immigration Judge to the Board of Immigration Appeals. On November 4, 2004, Petitioner was released from ICE custody and placed under an Order of Supervision.

Petitioner was under the Order of Supervision when he filed the instant application for writ of habeas corpus which challenges the requirements imposed as a condition of his release. On July 9, 2005, Petitioner was taken into custody by the police in Howard County Maryland on charges of attempted first degree murder, attempted second degree murder, first degree assault and reckless endangerment. Paper No. 5, Exhibit A. He was ordered held without bail. Paper No. 5, Exhibit B. On August 10, 2005, Petitioner was indicted for attempted first degree murder, attempted second degree murder and first degree assault. Paper No. 5, Exhibit C. Petitioner is presently detained at the Howard County Detention Center pending trial.

II. Analysis

Article III of the United States Constitution limits federal judicial power to “actual, ongoing cases or controversies.” *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990). In this case, Petitioner is challenging the requirements imposed on him as a condition of his release from ICE custody under the Order of Supervision. These requirements are no longer applicable to Petitioner because he is now in the custody of Howard County where he is awaiting trial. Consequently, there is no longer a live case or controversy before this Court. Accordingly, the petition will be dismissed without prejudice as moot. A separate Order consistent with this Memorandum will be entered.

Dated: August 22, 2005

/s/ _____
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE